

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

William R. Kelley
Debtor(s)

Bankruptcy Case No.: 13-21362-CMB
Issued Per Jan. 19, 2017 Proceeding
Chapter: 13
Docket No.: 128 – 118, 119, 122, 124
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 23, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,993 as of February 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☒ F. Peoples Gas shall be paid monthly payments of \$239 beginning with the Trustee's February 2017 distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The claim of Wilmington Savings Fund at Claim No. 9 as to arrears shall be paid per November 13, 2013 Order.
The claim of HSBC shall be paid its post-petition fees.
The Trustee's Certificate of Default to Dismiss at Docket No. 112 is withdrawn per confirmation of plan.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.


B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: January 23, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
William R. Kelley
DebtorCase No. 13-21362-CMB
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: jhel
Form ID: 149Page 1 of 2
Total Noticed: 37

Date Rcvd: Jan 23, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 25, 2017.

db +William R. Kelley, 1028 Broadway Blvd., Pitcairn, PA 15140-1603
 cr +Beneficial Consumer Discount Company, 14841 Dallas Parkway Suite 300, Dallas, TX 75254-7883
 cr +Borough of Pitcairn, 582 Sixth Street, Pitcairn, PA 15140-1200
 cr Duquesne Light Company, c/o Peter J. Ashcroft, 2200 Gulf Tower, Pittsburgh, PA 15219
 cr +Equitable Gas Bankruptcy Department, Attn: Judy Gawlowski, 225 North Shore Drive 2nd Floor,
 Pittsburgh, PA 15212-5860
 cr +HSBC Finance Corporation, P. O. Box 829009, Dallas, TX 75382-9009
 cr +Peoples Natural Gas Company LLC, Attention: Barbara Rodgers, 375 North Shore Drive,
 Pittsburgh, PA 15212-5866
 13601444 +Beneficial/HFC, PO Box 9068, Brandon, FL 33509-9068
 13649052 +Borough of Pitcairn, c/o Goehring Rutter & Boehm, 437 Grant Street, 14th Floor,
 Pittsburgh, PA 15219-6101
 13601445 +Citizens Bank, 1 Citizens Drive, Riverside, RI 02915-3000
 13649051 +County of Allegheny, c/o Goehring Rutter & Boehm, 437 Grant Street, 14th Floor,
 Pittsburgh, PA 15219-6101
 13601447 +Equitable Gas, PO Box 6766, Pittsburgh, PA 15212-0766
 13601448 +Galaxy Asset Purchasing, c/o Asset Recovery Solutions, 2200 E. Devon Ave., Ste. 200,
 Des Plaines, IL 60018-4501
 13601449 +Gateway School District Tax Office, 2700 Monroeville Blvd., Monroeville, PA 15146-2359
 13692548 +HSBC Mortgage Services, Inc., PO Box 21188, Eagan, MN 55121-0188
 13601450 +John K. Weinstein, Allegheny County Treasurer, PO Box 643385, Pittsburgh, PA 15264-3385
 13601452 +Monroeville Municipal Authority, 219 Speelman Lane, Monroeville, PA 15146-3903
 13601453 +Municipality of Monroeville Tax Office, 2700 Monroeville Blvd., Monroeville, PA 15146-2359
 13601454 +NCC Business Services, Inc., PO Box 23758, Jacksonville, FL 32241-3758
 13601455 +NCO Financial Systems, Inc., PO Box 12100, Dept 64, Trenton, NJ 08650-2100
 13601457 +Penn Credit Corporation, 916 S. 14th Street, Harrisburg, PA 17104-3425
 13601458 +Pitcairn Boro Real Estate Tax, 222 Center Avenue, Pitcairn, PA 15140-1416
 13601459 +Santander Consumer USA, Attention: Bankruptcy Dept., PO Box 560284, Dallas, TX 75356-0284
 13601460 +United Collection Bureau, Inc., PO Box 140190, Toledo, OH 43614-0190
 13601461 +Verizon, 500 Technology Drive, Suite 300, Weldon Springs, MO 63304-2225
 13601462 +Verizon Wireless, PO Box 25505, Lehigh Valley, PA 18002-5505
 13601463 +West Penn Joint Water Authority, 2200 Robinson Blvd., Pittsburgh, PA 15221-1112

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 24 2017 02:16:25
 PRA Receivables Management, LLC, PO Box 41067, Norfolk, VA 23541-1067
 13601443 +E-mail/Text: amscbankruptcy@adt.com Jan 24 2017 01:43:22 ADT Security Services,
 PO Box 650485, Dallas, TX 75265-0485
 13601446 +E-mail/Text: DQENOTICES@BERNSTEINLAW.COM Jan 24 2017 01:43:30 Duquesne Light Company,
 411 Seventh Avenue, Pittsburgh, PA 15219-1942
 13644229 +E-mail/Text: DQENOTICES@BERNSTEINLAW.COM Jan 24 2017 01:43:30 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200 Gulf Tower,
 Pittsburgh, PA 15219-1908
 13601451 +E-mail/Text: bankruptcy@affglo.com Jan 24 2017 01:42:58 Leading Edge Recovery Solutions,
 5440 N. Cumberland Ave., Suite 300, Chicago, IL 60656-1486
 13641986 +E-mail/Text: bncmail@w-legal.com Jan 24 2017 01:43:12 OAK HARBOR CAPITAL VII, LLC,
 C O WEINSTEIN AND RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 13601456 +E-mail/PDF: cbp@onemainfinancial.com Jan 24 2017 01:58:47 One Main Financial,
 6801 Colwell Blvd., Irving, TX 75039-3198
 13911903 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 24 2017 01:58:58
 Portfolio Recovery Associates, LLC, PO Box 41067, Norfolk, VA 23541
 13656652 E-mail/Text: bnc-quantum@quantum3group.com Jan 24 2017 01:42:43
 Quantum3 Group LLC as agent for, Galaxy Asset Purchasing LLC, PO Box 788,
 Kirkland, WA 98083-0788
 14185655 +E-mail/Text: Bankruptcy@wsfsbank.com Jan 24 2017 01:43:32
 Wilmington Savings Fund Society, FSB, 500 Delaware Avenue, 11th Floor,
 Wilmington, DE 19801-7405

TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Allegheny County
 cr Beneficial Consumer Discount, Co.
 cr GREEN TREE SERVICING LLC
 cr HSBC Mortgage Corp.
 cr HSBC Mortgage Services, Inc.
 cr Wilmington Savings Fund Society, FSB, Et Al...
 cr* +BENEFICIAL CONSUMER DISCOUNT COMPANY, 14841 Dallas Parkway, Suite 300,
 Dallas, TX 75254-7883

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 37

Date Rcvd: Jan 23, 2017

13674023 ##+Equitable Gas Company, c/o Donna Treemarchi, 70 Glenn Way, McKees Rocks, PA 15136-2436
TOTALS: 6, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 25, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 23, 2017 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor Wilmington Savings Fund Society, FSB, Et Al...
agornall@goldbecklaw.com, bkgroup@goldbecklaw.com; bkgroup@kmlawgroup.com
Andrew F Gornall on behalf of Creditor Beneficial Consumer Discount Company
agornall@goldbecklaw.com, bkgroup@goldbecklaw.com; bkgroup@kmlawgroup.com
Brian C. Thompson on behalf of Debtor William R. Kelley bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com; LaurenKelly@thompsonattorney.com; jwrzosek@thompsonattorney.com; mgille
spie@thompsonattorney.com; azema@ecf.inforuptcy.com; noreply@thompsonattorney.com; mhodge@thompsonat
torney.com
Celine P. DerKrikorian on behalf of Creditor Beneficial Consumer Discount, Co.
ecfmail@mwc-law.com
Celine P. DerKrikorian on behalf of Creditor HSBC Mortgage Services, Inc. ecfmail@mwc-law.com
Celine P. DerKrikorian on behalf of Creditor Beneficial Consumer Discount Company
ecfmail@mwc-law.com
Hilary B. Bonial on behalf of Creditor HSBC Finance Corporation notice@bkcyllaw.com
James Warmbrodt on behalf of Creditor Wilmington Savings Fund Society, FSB, Et Al...
bkgroup@kmlawgroup.com
Jeffrey R. Hunt on behalf of Creditor Borough of Pitcairn jhunt@grblaw.com,
cnoroski@grblaw.com
Jeffrey R. Hunt on behalf of Creditor Allegheny County jhunt@grblaw.com, cnoroski@grblaw.com
Kevin T. McQuail on behalf of Creditor HSBC Mortgage Corp. ecfmail@mwc-law.com
Kevin T. McQuail on behalf of Creditor Beneficial Consumer Discount, Co. ecfmail@mwc-law.com
Marisa Myers Cohen on behalf of Creditor Beneficial Consumer Discount Company
mcohen@mwc-law.com
Mary F. Kennedy on behalf of Creditor GREEN TREE SERVICING LLC mary@javadrianlaw.com,
tami@javadrianlaw.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,
ckutch@ecf.courtdrive.com; pashcroft@ecf.courtdrive.com; pghecf@bernsteinlaw.com; cabbott@ecf.court
rive.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com; srk@sjwpgh.com
S. James Wallace on behalf of Creditor Equitable Gas Bankruptcy Department sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com; srk@sjwpgh.com

TOTAL: 19